

IN THE UNITED STATES PATENT OFFICE

IN RE APPLICATION:

X *Received
10/21/04
R. Chin*

Title: SWEEPER

Applicant: Keith E. Smith

Group: 1744

Serial No.: 10/633,461

Examiner: Randall Chin

Filed: July 31, 2003

File No: 2003-0017

U.S. Patent No: 4,926,517

Issued: May 22, 1990

SUPPLEMENTAL REISSUE DECLARATION BY INVENTOR

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

As a below named inventor; I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I believe I am the original, first and sole inventor of the subject matter which is described and claimed in the above identified U.S. Letters Patent and in the foregoing specification and for which invention I solicit a reissue patent.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS
AND DUTY OF CANDOR**

3. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.
4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

In compliance with this duty there is attached a **second** information disclosure statement. 37 CFR 1.97.

5. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

no such applications have been filed.
 such applications have been filed as follows:

6. I hereby identify the earliest foreign application(s), if any filed within 12 months (6 months for design) prior to said original application as follows:

Country: -----
Application No.: -----
Date of Filing: -----
U.S. Patent No: -----
Date of Issue: -----
Priority Claimed: -----

7. I hereby identify all foreign application(s), if any filed more than 12 months (6 months for design) prior to said original application as follows:

Country: -----
Application No.: -----
Date of Filing: -----
U.S. Patent No: -----
Date of Issue: -----
Priority Claimed: -----

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT 37 CFR 1.175**

8. That I believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had a right to claim in the patent.

9. I declare that U.S. Patent 4,926,517 is partially invalid due to an error in claim 1. Specifically, the sole independent claim 1 of U.S. Patent 4,926,517 recites with reference numerals added:

1. Sweeping apparatus 2 comprising support means for supporting a brush 24, 26 for rotation about a generally horizontal axis and means for mounting said support means on a vehicle 4, wherein said support means comprises

first and second arms 6, 8,

means for moving said *first arm* 6 with respect to said *second arm* 8 between a first position wherein said *first arm* 6 is spaced from said

second arm 8 by a distance such that said brush 24, 26 is received between said arms 6, 8 and a second position wherein said *first arm* 6 is spaced from said second arm 8 such that said brush 24, 26 is released from between said arms 6, 8,

drive means 56 mounted on said first arm 6 by universal joint means 52 for engaging one end of said brush 24, 26 and for rotating said brush 24, 26 about an axis extending between said first and second arms 6, 8 and

idler means 34 mounted on said second arm 8 by universal joint means 46 for engaging an opposite end of said brush 24, 26.

10. Claim 1 of U.S. Patent No. 4,926,517 requires the *first arm* 6 to be a moveable arm.
11. Claim 1 of U.S. Patent No. 4,926,517 requires the drive means 56 to be mounted on the *first arm* 6 (moveable arm).
12. FIGS. 1, 4 & 5 of U.S. Patent No. 4,926,517 illustrate the movable arm to be *arm* 8 and the fixed arm 8 to be *arm* 6.
13. Furthermore, FIGS. 1, 4 & 5 of U.S. Patent No. 4,926,517 illustrate the drive means 56 to be mounted on the fixed *arm* 8.
14. I declare that U.S. Patent 4,926,517 is partially invalid for the reason that the term *first arm* 6 (moveable arm) is interchanged with the term *second arm* 8. Claim 1 recites that the first arm 6 is the moveable arm and the second arm 8 is the fix arm. According to claim 1, the drive means 56 must be mounted on the first arm 6 (moveable arm).
15. I verily believe claim 1 as issued in U.S. Patent 4,926,517 is not supported by the specification and drawing do to the error in claim 1 as issued in U.S. Patent 4,926,517.
16. I declare the interchanged of the term *first arm* 6 (moveable arm) and the term *second arm* 8 was made through inadvertence and without any deceptive intent.
17. I declare this interchanged of the term *first arm* 6 (moveable arm) and the term *second arm* 8 was first brought to my attention on or about December 27, 2002.
18. I declare that I do not specifically know or recall how the term *first arm* 6 (moveable arm) was interchanged with the term *second arm* 8 in Claim 1.
19. I hereby declare that all errors being corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.
20. I am submitting claim 1 (AMENDED) in this reissue application to correct the interchange of the term *first arm* 6 (moveable arm) and the term *second arm* 8.

21. I declare the submitted claim 1 (AMENDED) in this reissue application is identical to the original claim 1 except for interchanging the term first arm with the term second arm.
22. I declare the submitted claim 1 (AMENDED) in this reissue application is for the sole purpose of correcting an obvious error in claim 1 as originally issued by the United States Patent and Trademark Office.
23. I verily believe the submitted claim 1 (AMENDED) in this reissue application is supported by the specification and drawing in U.S. Patent 4,926,517.
24. I verily believe the scope of the claims as now presented for consideration by the United States Patent and Trademark Office is within the scope of the original invention invented before the filing date of the original application.
25. I verily believe the scope of the claims as now presented for consideration by the United States Patent and Trademark Office is not enlarged in scope in any manner.
26. I hereby state that I have reviewed and understand the contents of the above identified Specification and Claims including claim 1 (AMENDED).
27. I hereby declare that the subject matter of all Claims present herewith were part of my original invention and invented before the filing date of the original application.
28. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sole Inventor: Keith E. Smith
Residence: 1612 South Combee Road
Post Office: Lakeland, Florida 33801
Citizenship: U.S.A.

Signature:

 Date 10/19/04